

**FILED**

MAR 31 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 EDWARD EUGENE MOTLEY, } C 08-1362 MJJ (PR)  
12 Petitioner, }  
13 vs. }  
14 W.J. SULLIVAN, et al., }  
15 Respondents }  
16 \_\_\_\_\_ }  
17 **ORDER OF DISMISSAL;  
GRANTING APPLICATION  
FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS**  
18 **(Docket No. 6)**

17 Edward Eugene Motley (“petitioner”), a California prisoner, filed this pro se petition  
18 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 1992 conviction in  
19 Santa Clara County Superior Court. Petitioner challenged this same conviction in a prior  
20 petition filed in this court, Motley v. Runnels, No. 05-3254 MJJ (PR), which petition was  
21 dismissed as untimely.<sup>1</sup>

22 A second or successive petition challenging the same conviction or parole denial  
23 may not be filed in this court under 28 U.S.C. § 2254 unless petitioner first obtains from  
24 the United States Court of Appeals for the Ninth Circuit an order authorizing this court to  
25 consider the petition. 28 U.S.C. § 2244(b)(3)(A). As petitioner has not obtained the

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28 <sup>1</sup>A certificate of appealability was denied by this court and the United States Court of Appeals.

1 necessary authorization from the Ninth Circuit, the petition is DISMISSED.

2 In addition, the Court notes that the instant petition is based on asserted errors in the  
3 disposition of state court habeas petitions. Errors in the state post-conviction review process  
4 are not addressable through federal habeas corpus proceedings, however. See Ortiz v.  
5 Stewart, 149 F.3d 923, 939 (9th Cir. 1998)

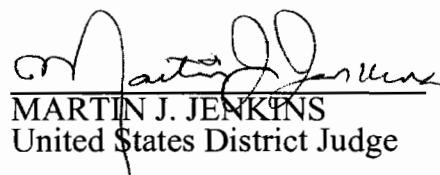
6 The application to proceed in forma pauperis is GRANTED.

7 This order terminates Docket No. 2.

8 The Clerk shall close the file.

9 IT IS SO ORDERED.

10 DATED: 3 /31 /2008

  
11 MARTIN J. JENKINS  
12 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MOTLEY et al,

Case Number: CV08-01362 MJJ

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

SULLIVAN et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward Eugene Motley H-56441  
CA Correctional Institution  
P.O. Box 1902  
Tehachapi, CA 93581

Dated: April 2, 2008

  
Richard W. Wiking, Clerk  
By: Monica Narcisse, Deputy Clerk